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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/692,947   | 10/24/2003  | Frederick W. Dyer II | D5380                  | 2126             |
| 7590   | 01/27/2006  |                      | EXAMINER               |                  |
| INTERNATIONAL TRUCK INTELLECTUAL PROPERTY COMPANY<br>4201 WINFIELD ROAD<br>WARRENVILLE, IL 60555 |             |                      | BLANKENSHIP, GREGORY A |                  |
|  |             |                      | ART UNIT               | PAPER NUMBER     |
|  |             |                      | 3612                   |                  |

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|------------------------------|------------------------|---------------------|--|
|                              | 10/692,947             | DYER ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Greg Blankenship       | 3612                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on amendment filed 11/14/2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-11 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 6/28/2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Heard (6,899,374).

Heard discloses a movable skirt panel (2) that has an inside surface and an aerodynamic outer surface. A track (5) is formed in a skirt panel mounting frame, as shown in Figure 1A. The skirt panel mounting frame is shown attached to the side of a vehicle chassis. Bearing means (13) depend from the skirt panel (2) and set in the track (5) to support the panel (2). The panel (2) slides in a back and forth motion parallel to the vehicle chassis between the front and rear wheels such that a portion of the chassis is revealed, as seen in Figure 1. The aerodynamic outer surface faces away from the chassis. In reference to claim 2, the front door is the claimed fixed position door panel. When the skirt panel is in the forward position, it is directly adjacent to a vertical edge of the front door. When in the rearward position, the skirt panel is spaced from the front door allowing access to a portion of the vehicle chassis between the skirt panel and the front door. In reference to claim 4, rollers (13,15,17) are mounted for rotation with respect to the skirt panel and set in tracks for linear movement. In reference to claim 5, the skirt panel (2) has an upper edge that is used in

cooperation with the track to support and position the skirt panel (2). In reference to claim 6, the front door (1) and rear door (2) form lower body panels that are mounted to the left and right side of the vehicle to cover portions of the vehicle's chassis. The vehicle is disclosed to be one of many types including SUVs, which are trucks, as disclosed on lines 5-8 of column5. The front door (1) is the front section panel while the rear door (2) is the aft section panel. The rear door (2) is movable between forward position, directly aft of the front door (1) along an edge, and a rearward position, spaced from the front door (1) to expose a portion of the vehicle chassis. In reference to claim 8, a track (5) depends from and parallel to the direction of elongation of the chassis supports the aft panel (2). In reference to claim 9, wheels (13,15,17) are mounted on the aft panel section (2) and rotate with respect to the panel (2). In reference to claim 10, the upper edge of the aft panel section (2) is sized and shaped in such a way that part of it may be inserted into the track. In reference to claim 11, the door opening frame depends from a side of the vehicle chassis. A fixed position skirt panel (1) is located in front of the chassis skirt panel (2). The chassis skirt panel (2) is supported on the frame below a side of the vehicle so that it can move in a direction of elongation of the vehicle chassis between a closed position and an open position, that exposes a portion of the chassis, relative to the fixed position skirt panel.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heard (6,899,374) in view of Heim et al. (6,086,13).

Heard does not disclose the panel made of a molded plastic.

Heim et al. teach an outer door panel (2) made of a molded plastic.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the movable skirt panel of Heard of molded plastic, as taught by Heim et al., to provide a panel that is both lightweight and resilient to minor accidents that might occur while the vehicle is parked.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heard (6,899,374).

Heard does not disclose a battery box.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to store a battery box in the rear passenger area of the vehicle of Heard to provide an efficient means to transport the battery box from the point of purchase to a location where the battery box is needed, the result is a battery box that depends from the vehicle chassis and is accessible when the rear section panel is in its rearward position.

#### *Response to Arguments*

6. Applicant's arguments filed 11/14/2005 have been fully considered but they are not persuasive. The applicant has argued that the invention of Heard does not move to a position that reveals a section of the chassis. The examiner disagrees since Figure 1 clearly shows a portion of the chassis that is revealed when the invention of Heard is moved to a rearward position.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

1/23/06